

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - TRIAL

Case No. LA CV13-08418 JAK (GJSx) Date August 25, 2016  
Title: CH2O, Inc. v. Meras Engineering, Inc.

Present: The Honorable John A. Kronstadt, United States District Judge  
Andrea Keifer Alex Joko (AM) / Miriam Baird (PM)  
Deputy Clerk Court Reporter/Recorder

Attorneys Present for Plaintiff(s):

Christopher S. Marchese; Michael M. Rosen;  
Andrew R. Kopsidas; Joanna Fuller

Attorneys Present for Defendants:

Craig M. Stainbrook; Robert B. Golden

Day Court Trial 5th Day Jury Trial  
One day trial: Begun (1<sup>st</sup> day); ☒ Held & Continued; Completed by jury verdict  
The Jury is impaneled and sworn.  
☒ Summary statements made by Plaintiff and Defendant  
☒ Witnesses called, sworn and ☒ Exhibits Identified ☒ Exhibits admitted.  
Plaintiff(s) rest. Defendant(s) rest.  
Closing arguments made by plaintiff(s) defendant(s). Court instructs jury.  
Bailiff(s) sworn. Jury retires to deliberate. Jury resumes  
Jury Verdict in favor of plaintiff(s) defendant(s) is read and filed.  
Jury polled. Polling waived.  
Filed Witness & Exhibit Lists Filed jury notes. Filed jury instructions.  
Judgment by Court plaintiff(s) defendant(s).  
Findings, Conclusions of Law & Judgment to be prepared plaintiff(s) defendant(s).  
Case submitted. Briefs to be filed  
Motion to dismiss by is granted. denied. submitted.  
Motion for mistrial is granted. denied. submitted.  
Motion for Judgment/Directed Verdict is granted. denied. submitted.  
Settlement reached and placed on the record.  
Clerk reviewed admitted exhibits with counsel to be submitted to the Jury/Court for deliberation/findings.  
Counsel stipulate to the return of exhibits upon the conclusion of trial. Exhibit Release Form prepared and filed.  
Trial subpoenaed documents returned to subpoenaing party.  
☒ Case continued August 26, 2016 at 8:30 a.m. for further trial/further jury deliberation.  
☒ Other: The Court notifies the parties that juror K.B. had an unforeseen medical issue and will not be participating in the trial. Juror K.M. is present. The trial will therefore proceed with 6 jurors. There is no objection by counsel. Accordingly, jurors K.B. and S.M are dismissed.

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There are four disputed exhibits that remain. Counsel will confer further to determine if an agreement can be reached.

The Court confers with counsel concerning a dispute over the potential admission of evidence regarding testimony by Mr. Hagerty, one of Plaintiff's damages experts. The Court is not inclined to permit testimony by this witness as to the law and the requirements that it may impose on Houweling as to water discharge. However, he may be able to form and present opinions as to cost savings through the use of the '470 patent based on the prior deposition testimony of Mr. Houweling, including as a Rule 30(b)(6) witness. The Court will make a final ruling on this matter prior to the commencement of the testimony of Mr. Hagerty.

**IT IS SO ORDERED.**

Initials of Deputy Clerk              6         :         30          
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CC: